

HOUSE BILL NO. 423

INTRODUCED BY C. JUNEAU

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BOARD OF TRUSTEES OF A SCHOOL DISTRICT TO ADOPT A POLICY ESTABLISHING AN EMPLOYMENT PREFERENCE FOR SCHOOL DISTRICT POSITIONS FOR A RESIDENT OF THE COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Local hiring preference for school district employment authorized.

(1) A school district may adopt or amend a policy providing a preference in employment with the school district to a person who is a resident of the county in which the school district is located and who has substantially equal qualifications for the position.

(2) A challenge related to the failure of a school district to comply with a policy adopted under this section is a controversy within the meaning of 20-3-210 and must be reviewed as provided in 20-3-107 and 20-3-210.

(3) For purposes of this section, the following definitions apply:

(a) "Position" means a vacant permanent, temporary, or seasonal position filled by the district. The term does not include:

(i) a school superintendent;

(ii) a district clerk;

(iii) appointment by an elected official to a public office if the appointment is provided for by law; or

(iv) engagement as an independent contractor or employment by an independent contractor.

(b) "Substantially equal qualifications" means the qualifications of two or more persons between whom the school district board of trustees cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [section 1].

